



The FCC Acknowledges Receipt of Comments From ...
Barry Johnson
...and Thank You for Your Comments

Your Confirmation Number is: '2002119974271 '

Date Received: **Nov 11 2002**

Please note: The Date Received reflects the next official business day.

Docket: **RM-10582**

Number of Files Transmitted: 1

File Name	File Type	File Size (bytes)
COMMENT	Adobe Acrobat PDF	16931

DISCLOSURE

This confirmation verifies that **ECFS** has received and accepted your filing. However, your filing will be rejected **by ECFS** if it contains **macros**, passwords, redlining, read-only formatting, a virus or automated links to source documents that is not included with your filing. Filers are encouraged to retrieve and view their filing within **24** hours of receipt of this confirmation. For any problems contact the Help Desk at **202-418-0193**.

[Initiate a Submission](#) | [Search ECFS](#) | [Return to ECFS Home Page](#)

[FCC Home Page](#)

[Search](#)

[Commissioners](#)

[Bureaus Offices](#)

[Finding Info](#)

DOCKET FILE COPY ORIGINAL

TO: Federal Communications Commission
445 12th Street SW
Washington, DC 20554

FROM: Barry Johnson
Amateur Radio Licensee W4WB
1527 Chandler Road
Huntsville, AL 35801
Email: barry@w4wb.com
Phone: 256.880.9792

DATE: 0X November 2002

SUBJECT: Comments on RM-10582

LATE SUBMISSION EXPLANATION: Open period for comments for **RM-10582** was not observed in ECFS by the undersigned and was not known until this date as a consequence of an announcement by the ARRL. I send as one of several amateurs on the Amateur Radio Vanity Call Sign Headquarters (VTHQ) (www.vanityhq.com) that assist others in understanding the procedures of applying for a Vanity Call Sign in the Amateur Radio Service. The announcement by the ARRL that the comment period had closed was a surprise to all of us. I respectfully request consideration of the following comments in your determination of the disposition of RM-10582.

RECOMMENDATION; Deny RM-10582

RATIONALE;

- 1 RM-10582 fails to present a quantitative assessment of the significance of the submittal of multiple applications for a Vanity Call Sign. To wit, the examples are biased by showing only examples that indicate raw quantity of applications wins; however, this is not always true. There are a number of other examples not proffered by RM-10582 submitter C. Norman Young where this didn't happen. Further, no quantitative data were presented that justified the number of call signs impacted by multiple applications by the same applicant or any statistical analysis of the applicant selection for cases of multiple applicant when one or more applicants have submitted in excess of one application. The undersigned suggests that the number of such applications is small and that frequently the applicant submitting a single application is granted the call sign. Most call signs are granted without competition.
- 2 RM-1058 should be modified to read one application per day per applicant rather than as proposed in RM-10582. Each day is a separate and distinct lottery. To have a rule that restricts an amateur from filing an application each day is wrong. Such a rule as stated in RM-10582 would require the ULS to scan applications over multiple days and compare the content (i.e., same call signs). This would add a significant and unjustified burden (processing time and cost) to the ULS.
- 3 The concept of purging all but the last application made by an applicant on a given day is a superficially good idea (not proposed as part of RM-10582). In reality, it has a serious flaw. Consider the case where an applicant applies for two or more call signs on the same day, but the call signs are different. Of course, they could be consolidated on the same submittal, but there is no requirement to do so. For example, there is no limit to the number of call signs one may apply for with the exception of a limit of 25 call signs per application. It is also possible that the applicant could have a different mix of call signs on each application where some may be the same. As mentioned in 2. above, this complex purging would add a significant and unjustified burden (processing time and cost) to the ULS in order to insure that an application wasn't improperly denied.
- 4 As the system is set up presently, the ULS simply takes all applications (paper and electronic) and randomly draws one. That application is processed fully before drawing another application (up to 25 call signs are checked for availability sequentially until one is found, otherwise the application is denied). To be clear, the ULS doesn't try to sort all applications for a given call sign and then draw from that subgroup. As it stands, a call sign listed as choice #23 on one application might be assigned before the same call sign as listed choice #1

on another application. The present process is effective, and simple to implement and maintain. However, see 6. below regarding fairness.

5. RM-10582 does address a point that is truly valid. This is the refund of the application fee for those applications that are denied. I am more in favor of non-refundable application fees, but as I understand the enabling legislation, the FCC doesn't have that as an option. Although the real cost of processing a refund is likely at least \$1.00, the added cost of addressing multiple applications as suggested in RM-10582 could well be much more.
 6. The undersigned also takes issue with RM-10582's assertion of lack of fairness in the call sign selection process when multiple applications by the same applicant are involved. Under the present rules, if you want to take the time and have the modest funds (say a few hundred dollars) to make a bunch of Vanity Call Sign applications, you can do it. It is a matter of personal choice. (But see refund cost above!) Is it fair to have the #23 choice on an application be selected when another applicant had the call sign as H1 choice, but the application was drawn after the other one? In a like matter, would it be appropriate to have a "fairness rule" to limit the number or types of radios or antennas one can have? Lotteries are not statistically fair in general since the odds of an individual are based in large part to the number of tickets purchased to the total number in the pool. I didn't find a doctrine of fairness in the rules related to Vanity Call Sign selection. If there are ten applicants for a given call sign, there will be nine that are not granted the call sign regardless of the number of applications submitted by each applicant. Regarding fairness, is it any less fair to require one submitting an application by mail to have it there on a specific day given the variability of the mail service (arriving before or after the first day of availability) or the possibility of date stamping delay at the FCC when received? Why not give a 5-10 day window as is done for the payment submission? Just think of the added complexity and cost. Fairness is a weak argument in this matter.
- Further regarding fairness, is it fair that many applicants for a Vanity call sign don't know about VHQ? Perhaps in the interest of fairness the ULS should post a notice that all Vanity call sign applicants should/must consult VHQ. Or maybe the FCC should have VHQ vanquished because there is an element of unfairness. Well the undersigned certainly hopes neither is the case. People should have the freedom to find VHQ or other resources to assist them. If they don't look for other resources, that should be their choice.
7. In the undersigned's opinion, the primary issue should be to optimize the ULS, not to increase the burden on the ULS by having to check for multiple applications, etc. This may well be a greater cost (coding the software appropriately and additional operating time) than just leaving it alone.
 8. Should the FCC view RM-10582 positively, the undersigned urges the FCC consider all of the ramifications of implementing the procedures contained therein and to other services under FCC jurisdiction. There are a number of situations to consider.

Sincerely yours,



**Ms. Amy S. Meredith
110 Green Meadows Circle
Abilene, TX 79605
915 518-6511**

December 5, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications **Commission**
445 12th Street, SW
Washington, DC 20554

Re: Station **KBZB-FM** Pioche, Nevada (Facility Id. **78999**
FCC File No. **DALH-20021125ABO**)

Dear Ms. Dortch:

On November 23rd 2002, Highland Broadcasters under management of Mark C. Nolte filed an application of transfer of one half of the ownership of KBZB FM licensed to Pioche, NV.

On behalf of Amy S. Meredith, as an individual, I respectfully ask for the commission to dismiss the transfer of ~~SOX~~ of KBZB FM from Jane Breder to Mark C. Nolte.

In September of 1999, I Amy Meredith invested money in to the station KBZB FM, with the promise of one half ownership. After equipment purchases of over 10,000.00 and over 5,000.00 in cash investment to Mark C. Nolte, Mr. Nolte brought another individual. David Wrinkle in as half owner.

Around the same time. Mr. Wrinkle gave Mr. Nolte, 15,000.00 to pay Jane Breder the money transfer half of KBZB-FM to his name. Mr. Nolte never completed the agreement, which ended up in a lawsuit in an Andrews Co. Texas court room, around September 2000. Mr. Wrinkle alleged that Mr. Nolte stole over 75,000.00 in cash and refused to transfer ownership. At this time Mr. Nolte told me he did not transfer the license because he was afraid of repercussion by Mr. Wrinkle.

I protest this transfer on the basis that the transfer should have taken place in September of 1999, when Jane Breder signed off the papers with Mr. Nolte and attorney John Kenkel.

At this time, Mark Nolte and I owned KYRK-LP TV, in Las Vegas, NV. We had to enter a sale with Mako Communications, so Mr. Nolte could pay of a settlement with Mr. Wrinkle. Mr. Nolte also told me that he had IRS troubles at that time.

The original price of 725,000.00 was reduced to 575,000.00 after actions taken by Mark C Nolte, which included demands and pressure to Mako Communications to Mark C Nolte.

After this reduction, I, Amy Meredith, did not receive my compensation for building expenses of KYRK LP.

In April of 2002, I received a Default Judgment against Mark C. Nolte and his engineer Erik Pugh, in the amount of 38,500.00, plus attorney's fees which range around 10,200.00. I have tried to serve Mr. Nolte with this judgment in Clark and Lincoln County, NV as well as in Andrews County Texas. All times he has avoided being served.

Mr. Nolte and Mr. Pugh were finally served by publication in February 2002. before Clark County District Judge Lee A Gates, entered a default judgment in April of 2002.

Also, mentioned in the contract this agreement was verbal. This is not the case, as lane Breder mailed papers to me papers signed between she and Mr. Nolte in September of 1999, that were never filed.

Respectfully Submitted,


Amy Meredith

02/20/01 WED 17:45 FAX 838 8899

1 COM
 2 BARRY LEVINSON, ESQ.
 Nevada Bar No. : 006721
 3 2810 S. Rainbow
 Las Vegas, Nevada 89146
 (702) 216-0606
 4 Attorney for Plaintiff.
 Amy Meredith

DISTRICT COURT

CLARK COUNTY, NEVADA

AMY MEREDITH, an individual,

Plaintiff.

Case No. :

Dept No. :

COMPLAINT FOR CLAIM AND
 DELIVERY, MONIES
 DUE AND OWING

ERIK PUGH, an individual;
 MARK NOLTE, an individual,

Defendants.

(Exempt from Arbitration -
 Equitable Relief Sought)

COMPLAINT

Plaintiff AMY MEREDITH, by and through her attorney, BARRY LEVINSON, Esq., of the Law Offices of Barry Levinson, hereby complains against Defendants ERIK PUGH and MARK NOLTE and for causes of action alleges as follows:

I.

PRELIMINARY ALLEGATIONS

1. At all times relevant herein the Plaintiff, AMY MEREDITH, was and is a resident of the City of Abilene, State of Texas, and was conducting business in the State of Nevada at the time in question involved in this lawsuit.

2. At all times relevant herein the Defendant, MARK NOLTE, was and is a resident of the City of Andrews, State of Texas, and was conducting business in the State of Nevada at the time in question involved in this lawsuit.

3. Upon information and belief, at all times relevant herein the Defendant, ERIK PUGH, was and is a resident of the City of Las Vegas, County of Clark, State of Nevada.

08/29/01 WED 17:45 FAX 836 9699

1 4. All of the events alleged are alleged to have occurred in Clark County, Nevada

2
3 II.

4 B

5 6. On or about March of 1998, Plaintiff AMY MEREDITH entered into a joint venture
6 with Defendant MARK NOLTE to build a television station in Las Vegas, Nevada.

7 7. Defendant ERIK PUGH was hired to be the engineer overseeing construction of the
8 television station on Defendant NOLTE'S recommendation.

9 8. Plaintiff mailed, drove, or shipped all equipment purchased for construction of the
10 station to Defendant ERIK PUGH'S residence in Las Vegas.

11 9. Defendant MARK NOLTE repeatedly assured Plaintiff that he and Defendant PUGH
12 were building the station.

13 10. After months of delays and excuses from Defendants, the television station has never
14 been constructed.

15 11. Defendants have taken equipment meant for the television station and purchased
16 with funds distributed by Plaintiff, and put the equipment at a radio station owned by Defendant
17 NOLTE.

18 12. Defendants have also retained monies spent on expenses and for equipment that was
19 never purchased for the television station.

20 13. Equipment that was returned to Plaintiff was returned COD at Plaintiff's expense or
21 with essential components missing from the equipment.

22 III.

23 First Cause of Action
24 (For Claim and Delivery)

25 14. Plaintiff incorporates in this Cause of Action Paragraphs 1 through 13 herein the
26 same as though fully set out in this Cause of Action at length.

27 15. Plaintiff requests that all equipment belonging to her being wrongfully retained by
28 Defendants be returned, at Defendants' expense, or in the alternative, Defendants pay the Fair

08/29/01 WED 17:45 PAX 036 0000

1 Market Value for all such belongings.

2 16. Plaintiff has been damaged far in excess of Ten Thousand Dollars (\$10,000.00) due
3 to Defendant's malicious actions.

4 17. Plaintiff requests that damages of a punitive nature be ensued upon Defendants for
5 such malicious actions in taking Plaintiff's personal effects of an amount to be determined at
6 trial.

7 18. Plaintiff has been required to retain the services of an attorney to prosecute this
8 action on his behalf and, as such, she is entitled to reasonable attorney's fees and costs for their
9 services.

10 IV.

11 Second Cause of Action
12 (For Monies Due and Owning)

13 19. Plaintiff re-alleges and incorporates by reference each and every allegation contained
14 in paragraphs 1 through 18 of his complaint as though fully set forth herein.

15 20. Plaintiff gave to Defendants monies for expenses, to buy equipment, and to build the
16 television station in Las Vegas, Nevada.

17 21. The station that was to be built with the monies expended by the Plaintiff has not
18 ever been constructed.

19 22. Within the last three years and extending to the present Defendants NOLTE and
20 PUOH became indebted to Plaintiff AMY MEREDITH in the sum in excess of Ten Thousand
21 Dollars (\$10,000.00) for money paid, laid out, and expended to defendant at defendants' instance
22 and request.

23 23. By reason of the forgoing facts, plaintiff has been damaged in the sum in excess of
24 Ten Thousand Dollars (\$10,000.00).

25 24. Plaintiff has been required to retain the services of an attorney to prosecute this
26 action on h a behalf and, as such, she is entitled to reasonable attorney's fees and costa for their
27 services.

28 ///

08/29/01 WED 17:48 FAX 836 9886

V.

PRAYER

WHEREFORE, Plaintiff respectfully prays for judgment against the Defendant as follows:

FIRST CLAIM FOR RELIEF

(For Claim and Delivery)

1. For general damages in excess of Ten Thousand and No/100 Dollars (\$10,000.00);
2. For punitive damages in excess of Ten Thousand and No/100 Dollars (\$10,000.00)
3. For reasonable attorneys fees incurred herein;
4. For cost of suit; and
5. For any further and additional relief that this court may deem appropriate.

SECOND CLAIM FOR RELIEF

(For Monies Due and Owing)

1. For general damages in excess of Ten Thousand and No/100 Dollars (\$10,000.00);
2. For reasonable attorneys fees incurred herein;
3. For cost of suit; d
4. For any further and additional relief that this court may deem appropriate.

DATED this 29th day of August, 2001.

Respectfully submitted,

LAW OFFICES OF BARRY LEVINSON

By: 

BARRY LEVINSON, ESQ.

Nevada Bar No. 006721

2810 S. Rainbow

Las Vegas, Nevada 89146

Attorney for Plaintiff Amy Meredith

08/28/01 WED 17:48 FAX 838 8886

1 OSC
 2 BARRY LEVINSON, ESQ.
 3 Nevada Bar No. :006721
 4 2810 9. Rainbow
 5 Las Vegas, Nevada 89146
 6 (702) 836-9696
 7 Attorney for Plaintiff.
 8 Amy Meredith

DISTRICT COURT
 CLARK COUNTY, NEVADA

7 AMY MEREDITH, an individual,

8 Plaintiff,

9 vs.

10 ERIK PUGH, an individual;
 11 MARK NOLTE, an individual,

12 Defendants.

Case No.:

Dept No.:

ORDER TO SHOW CAUSE

Hearing Date:

Hearing The:

**ORDER TO SHOW CAUSE WHY WRIT
 OF POSSESSION SHOULD NOT ISSUE**

15 YOU ARE HEREBY NOTIFIED, pursuant to NRS 31.853, that as Defendant in the
 16 above entitled action you may file affidavits on your behalf with the court and may appear and
 17 present testimony on your behalf at the hearing, or you may, at or prior to such hearing, file with
 18 the court a written undertaking to stay delivery of the property pursuant to NRS 31.890

19 YOU ARE FURTHER HEREBY NOTIFIED, that if you fail to appear, Plaintiff will
 20 apply to the court for a writ of possession.

21 Pursuant to the Application of Plaintiff and good cause appearing therefore:

22 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants appear
 23 before this Court in Department No. ___ in the Clark County Courthouse, in the City of Las
 24 Vegas, Nevada, on the ___ day of ___, 2001, at the hour of ___.m., or as soon
 25 thereafter as counsel can be heard, to show cause why Defendants should not be required to
 26 return possession of all of Plaintiff's belongings, and why a Writ of Possession should not issue
 27 against Defendants.

28 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the hearing on this

08/29/01 WED 17:46 FAX 836 9699

1 Order shall be set at least ten (10) days from the date of issuance of the order.

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Order
3 e served on the Defendants, and each of them, by personal service, or in such other manner as the
4 court may determine, at least _____ days before the time fixed herein for hearing.

5 DATED this _____ day of _____, 2001.

6


7

DISTRICT COURT JUDGE

8 Submitted by:

9

10


Barry Levinson, Esq.
Nevada Bar No. 6721
2810 S. Rainbow
Las Vegas, Nevada 89146
Attorney for Plaintiff

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

08/28/01 WED 17:40 FAX 830 9899

1 **NOTIC**
 2 **BARRY LEVINSON, ESQ.**
 3 Nevada Bar No.: 006721
 4 2810 S. Rainbow
 5 Las Vegas, Nevada 89146
 6 (702) 836-9696
 7 Attorney for Plaintiff,
 8 Amy Meredith

DISTRICT COURT
CLARK COUNTY, NEVADA

9 **A. MYMEREDITH, an individual,**

10 Plaintiff.

Case No.:
 Dept No.:

11 vs.

12 **ERIK PUGH, an individual;**
 13 **MARK NOLTE, an individual,**

14 Defendants.

Hearing Date:
 Hearing Time:

ENTRY OF ORDER
TO SHOW CAUSE WHY WRIT OF POSSESSION SHOULD

15 TO: All Interested Parties

16 PLEASE TAKE Notice that an Order to Show Cause Why Writ of Possession Should

17 Not Issue on the above-entitled matter was duly entered by the above-entitled Court on the ____
 18 day of _____, 2001. A copy of that Order is attached hereto.

19
 20 **Barry Levinson, Esq.**
 21 Nevada Bar No. 6721
 22 2810 S. Rainbow
 23 Las Vegas, NV 89146
 24 Attorney for Plaintiff
 25
 26
 27
 28

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL. (212) 9734111
FAX (212) 891-9598

FACSIMILE TRANSMITTAL

December 6, 2002 (2:47 PM)

PLEASE DELIVER TO:

To:	Bill Caton	Telephone No.:	(202) 418-0300
Firm:	Office of the Secretary -- FCC	Fax No.:	(202) 418-0307

From:	Harisha J. Bastiampillai	Telephone No.:	(202) 424-7869
Account #:	88901.0001	Sender's Fax No.:	(202) 424-7643
Total # of Pages:	<u>13</u> (including coverpage)		

Message: Mr. Caton,
As you may recall, I spoke to you just before the Thanksgiving holiday regarding an ex parte filing I made via ECFS on November 8, 2002 which has yet to appear on ECFS. I faxed you a copy of the filing and a copy of the confirmation page. Unfortunately the filing still does not appear on ECFS. In case you did not receive my earlier fax, I am resending it to you with the confirmation page. If you have any questions, please give me a call.

Thanks so much for your assistance,
~~Harisha~~ Bastiampillai

If there is a problem with this transmission, please contact: Harisha Bastiampillai at (202) 424-7869.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, MAY CONSTITUTE INSIDE INFORMATION, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE, OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US AT THE NUMBER LISTED DIRECTLY ABOVE. THANK YOU.